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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,317	02/16/2001	Scott R. Shell	60001.39US01	7047

7590 12/12/2003  
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EXAMINER

MOSLEHI, FARHOOD

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 12/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/788,317

Applicant(s)

SHELL ET AL.

Examiner

Farhood Moslehi

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_ 6) ☐ Other: \_\_\_\_

**DETAILED ACTION**

1. Claims 1-32 are presented for examination.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-14 and 17-32 are rejected under 35 U.S.C. 102(e) as being anticipated by Mathis (6,269,254).

4. As per claim 1, Mathis clearly shows an abstraction layer for interfacing a computer to a telephony radio, comprising:

A set of APIs for abstracting out multiple radio technologies without knowledge of the underlying radio technology, wherein the set of APIs correspond to call control functions, wherein when one of the set of APIs is called, the abstraction layer determines at least one standard telephony radio command corresponding to the called API and sends the telephony radio command to the telephony radio (e.g. col. 1, lines 1-15 and lines 43-46).

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5. As per claim 2, Mathis clearly shows the abstraction layer wherein the telephony radio is one of a plurality of telephony radios which operates based on the standard telephony radio commands (e.g. col. 2, lines 37-43).

6. As per claim 3, the abstraction layer wherein the set of APIs further correspond to short messaging system functions (e.g. col. 9, line 29).

7. As per claim 4, Mathis shows the abstraction layer wherein the set of APIs further correspond to network service functions (e.g. col. 10, lines 1-17).

8. As per claim 5, Mathis shows the abstraction layer wherein the set of APIs further correspond to data connection functions (e.g. col. 9, lines 42-45).

9. As per claim 6, Mathis shows the abstraction layer wherein the set of APIs further correspond to interface functions (e.g. col. 9, lines 15-23).

10. As per claim 7, Mathis shows a radio interface layer of a telephone for facilitating communications between an application program module and a radio, comprising:  
A proxy layer for communicating with the application program and a driver, wherein the application program calls an API to perform a particular function and wherein the proxy layer transforms the API to an IOCTL and sends the IOCTL to the driver layer (e.g. Figure 8, the Java RUN-TIME machine acts as a proxy layer in this model); and wherein the driver layer communicates with the proxy layer and the radio, the driver layer receiving an IOCTL and transferring the IOCTL into a command understood by the radio to perform the particular function (e.g. Figure 7, and TABLE 3).

11. As per claim 9, it is rejected for similar reasons as stated above.

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12. As per claim 8, Mathis shows the radio interface layer wherein the driver layer further receives communications from the radio indicating that the particular function has been performed and wherein the driver layer sends a success code to the proxy layer indicating that the particular function has been performed (e.g. col. 11, lines 5-29).

13. As per claim 10, Mathis shows the method wherein the command is an AT command (e.g. col. 3, lines 45-60. since the system is compatible with the GSM protocol, and AT commands are part of GSM, then it is inherent for the system to include the AT commands).

14. As per claim 11, Mathis shows the method wherein the command is one of a private API set defined by the radio manufacturer (e.g. col. 2, lines 10-22).

15. As per claim 12, Mathis clearly shows the method further comprising the step of generating in the RIL driver layer a unique ID associated with the RIL API (e.g. col. 4, line 58-60).

16. As per claim 13, Mathis shows the method further comprising the step of waiting for a response from the radio, and when received, calling back the calling application with the response and the unique ID returned from the call (e.g. col. 8, lines 58-65).

17. As per claim 14, Mathis shows the method wherein the RIL driver matches the response from the radio with the unique ID and the RIL driver sends the response to the calling process via a callback function (e.g. col. 10, lines 1-18).

18. As per claim 17, Mathis shows a method of communicating between a module and a radio comprising:

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- a) Generating a RIL API call at one of a plurality of modules to perform a specific action (e.g. col. 3, lines 45-53);
- b) Sending the RIL API call to a radio driver (e.g. Figure 8);
- c) At the radio driver, converting the RIL API call to a command understood by the radio (e.g. col. 8, lines 40-43);
- d) Transmitting the command to the radio (e.g. col. 8, lines 35-44);
- e) Performing the specific action at the radio (e.g. col. 8, lines 35-44).

19. As per claim 20, it is rejected for the similar reasons (part a and b) as stated above.

20. As per claim 18, Mathis clearly shows the method further comprising:

- f) In response to successfully performing the specific action, sending a success code to the one of the plurality of modules that generated the RIL API (e.g. Table 2).

21. As per claim 19, Mathis shows the method wherein the RIL API, command and success code are associated with an identifier linking them together and linking them to the one of the plurality of modules that generated the RIL API call and wherein the radio driver receives the success code, and, using the identifier, matches the success code with the one of the plurality of modules that generated the RIL API call and sends the success code to the one of the plurality of modules that generated the RIL API call (e.g. col. 6, lines 55-67 and col. 10, lines 1-18).

22. As per claim 21, Mathis shows the method further comprising the step of:

i) Sending the notification from the radio driver to one of the plurality of modules (e.g. Figure 1, the transceiver software receives and sends radio signals to different components of the network).

23. As per claim 22, it is rejected for similar reasons as stated above.

24. As per claim 23, Mathis clearly shows the method wherein the data that needs to be reported comprises an incoming phone call to the radio (e.g. col. 1, lines 47-64).

25. As per claim 24, Mathis shows the method wherein the data that needs to be reported comprises a signal strength change in the radio (e.g. col. 3, lines 28-41, the DSP detects changes and report the changes in signal strength characteristics).

26. As per claim 25, Mathis shows the method wherein the one of a plurality of modules is a TSP (e.g. col. 3, lines 60-63, JTAPI is another implementation of TAPI supported by most TAPI Service Providers).

27. As per claim 26, Mathis shows the method wherein the one of a plurality of modules is a SIM manager (The underlying operating system of JTAPI is JAVA, and it is inherent to the JAVA technology to create, access and manage SIM manager modules along with other modules that are utilized for telephony and browsing purposes).

28. As per claim 27, Mathis clearly shows the method wherein the one of a plurality of modules is an emergency application for generating emergency calls (e.g. col. 7, lines 25-27).

29. As per claim 28, Mathis shows the method wherein the one of a plurality of modules is a WAP layer (e.g. Figures 7 and 8, WAP layer allows access to the data stack, in figure 7, the JAVA RMI accomplishes the same task).

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30. As per claim 29, it is rejected for similar reason as stated above.
31. As per claim 30, it is rejected for similar reasons as stated above.
32. As per claim 31, Mathis clearly shows the method wherein the one of a plurality of modules is connected to an application program module and receives instructions from the application program module to generate the RIL API call (e.g. Abstract).
33. As per claim 32, it is rejected for similar reasons as stated above.
34. Claims 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Bonefas et al. (2002/0052968) (hereinafter Bonefas).
35. As per claim 15, Bonefas shows a method of communicating between a client process and a server process in a distributed processing system of a telephone, comprising the steps of:
  - a) Issuing, by the client process, a call to the server process (e.g. page 5, paragraph 43);
  - b) Receiving, by the server process, the call and attempting to locate a radio of the telephone in response to the call (e.g. page 5, paragraph 45); and
  - c) Determining, by the server process, that the radio is not present and sending the error code RIL\_E\_RADIONOTPRESENT to the client process (e.g. page 5, paragraph 45).
36. As for claim 16, it is rejected for similar reasons as stated above.

***Conclusion***

37. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.



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Patent Number US 6,584,185 to Nixon.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Farhood Moslehi whose telephone number is 703-305-8646. The examiner can normally be reached on M-F 8:30-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 703-305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5484.

fm



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